

# Oregon Revised Statutes

## Talented and Gifted

June 22, 2012

**343.391 Purpose of ORS 343.391 to 343.413.** The purpose of ORS 343.391 to 343.413 is to facilitate the identification and education of talented and gifted children. [1959 c.528 §1; 1963 c.570 §21; 1971 c.613 §1; 1979 c.385 §1]

**343.393** [1959 c.528 §11; repealed by 1961 c.500 §2]

**343.395 Definitions for ORS 343.391 to 343.413.** As used in ORS 343.391 to 343.413, unless the context requires otherwise:

(1) “Application” means a request for state funds that is submitted by a school district under ORS 343.399 to develop and operate programs for students under a written plan of instruction for talented and gifted children described in ORS 343.397.

(2) “Identification” means the formal process of screening and selecting talented and gifted children according to administrative rules established by the board.

(3) “School district” has the meaning given that term in ORS 330.005 (2). “School district” includes, where appropriate, an education service district, state operated schools or programs or a consortium of school districts submitting a joint application.

(4) “Talented and gifted children” means those children who require special educational programs or services, or both, beyond those normally provided by the regular school program in order to realize their contribution to self and society and who demonstrate outstanding ability or potential in one or more of the following areas:

(a) General intellectual ability as commonly measured by measures of intelligence and aptitude.

(b) Unusual academic ability in one or

more academic areas.

(c) Creative ability in using original or nontraditional methods in thinking and producing.

(d) Leadership ability in motivating the performance of others either in educational or noneducational settings.

(e) Ability in the visual or performing arts, such as dance, music or art. [1959 c.528 §2; 1963 c.570 §22; 1965 c.100 §409; 1971 c.613 §2; 1979 c.385 §2; 1987 c.335 §1; 2011 c.440 §2]

**343.396 Nature of programs.** It is legislative policy that, when talented and gifted programs are offered, the programs should be provided by common or union high school districts, combinations of such districts or education service districts, in accordance with ORS 334.175, and that the state will provide financial and technical support to the districts to implement the education programs within the limits of available funds. [1979 c.385 §8; 1981 c.833 §2]

**Note:** 343.396 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 343 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**343.397 Plan of instruction for talented and gifted children.** A school district shall submit to the Superintendent of Public Instruction a written plan of instruction for talented and gifted children. The plan shall include, but not be limited to:

(1) A statement of school district policy on the education of talented and gifted children;

(2) An assessment of current special programs and services provided by the district for talented and gifted children;

(3) A statement of district goals for providing comprehensive special programs and services and over what span of time the goals will be achieved;

(4) A description of the nature of the special programs and services which will be provided to accomplish the goals; and

(5) A plan for evaluating progress on the district plan including each component program and service. [1959 c.528 §§5,6,7; 1963 c.570 §23; 1965 c.100 §410; 1971 c.613 §3; 1979 c.385 §3; 2011 c.440 §1]

**343.399 State aid to local districts; criteria.** (1) Any school district may apply for state funds for special programs and services for talented and gifted children identified in the district. A school district may apply for state funds by submitting an application to the Superintendent of Public Instruction.

(2) The superintendent shall annually establish a date after which no further applications for state funds may be submitted under this section.

(3) The superintendent may approve only applications that comply with ORS 343.391 to 343.413 and rules adopted by the State Board of Education. Any criteria used by the superintendent to evaluate applications shall include, but need not be limited to:

(a) A statement of the school district's present level of special educational programs and services for talented and gifted children and how the special educational programs and services contained in the application conform with the school district's written plan for instruction for talented and gifted children described in ORS 343.397.

(b) Identification procedures that comply with rules adopted by the board.

(c) A detailed budget for the program expenditures.

(d) A description of the individual

student assessment and evaluative procedures and tools.

(e) A justification of special educational services and programs for talented and gifted children identified in the school district in terms of the student assessment and evaluation.

(f) An evaluation design that meets standards set forth by the Department of Education.

(4) The superintendent may not approve an application unless the school district agrees to expend district funds for special educational programs for talented and gifted children in an amount equal to or greater than the amount of state funds approved by the superintendent. [1959 c.528 §8; 1963 c.570 §24; 1965 c.100 §411; 1971 c.613 §4; 1979 c.385 §4; 2011 c.440 §3]

**343.401 Use of funds appropriated for ORS 343.391 to 343.413.** (1) Except as provided in ORS 343.404, the funds specifically appropriated for the program under ORS 343.391 to 343.413 shall be distributed only to school districts whose applications submitted to the Superintendent of Public Instruction pursuant to ORS 343.399 have been approved.

(2) State funds shall be allocated on an approved program cost basis, the amount of which shall be established annually by the State Board of Education.

(3) School districts shall account for the state funds expended for talented and gifted children identified in the districts on a form acceptable to the Department of Education, as described in rules adopted by the board. [1959 c.528 §9; 1963 c.570 §24a; 1965 c.100 §412; 1971 c.613 §5; 1979 c.385 §5; 2008 c.39 §3; 2011 c.440 §4]

**343.403** [1959 c.528 §10; 1963 c.570 §25; repealed by 1965 c.100 §456]

**343.404 Funding for program.** (1) The Superintendent of Public Instruction may annually expend funds appropriated for the talented and gifted program to provide administration of and support for the development of talented and gifted education statewide.

(2) These services may include:

(a) Teacher training programs and workshops;

(b) Consultant and technical assistance to districts;

(c) Small grants to and contracts with school districts, education service districts, colleges and universities and private contractors to produce and disseminate curriculum and instruction materials to other school districts;

(d) Training and assistance for parents of the talented and gifted children in meeting the educational needs of their children; and

(e) Contracting for the creation and administration of regional talented and gifted centers to provide services related to talented and gifted programs. [1971 c.613 §6; 1979 c.385 §6; 1981 c.833 §1; 1987 c.335 §2; 2008 c.39 §4]

**343.405** [1963 c.570 §22a; repealed by 1965 c.100 §456]

**343.407 Identification of talented and gifted students.** School districts shall identify talented and gifted students enrolled in public schools under rules adopted by the State Board of Education. [1987 c.337 §3; 1993 c.45 §225]

**343.409 Talented and gifted programs required.** School districts shall provide educational programs or services to talented and gifted students enrolled in public schools under rules adopted by the State Board of Education. [1987 c.337 §4; 1993 c.45 §226; 1993 c.749 §18]

**343.410** [1955 c.658 §2; 1961 c.541 §1; 1965 c.100 §413; 1971 c.96 §1; repealed by 1975 c.621 §17]

**343.411 When identification and programs for certain children required or optional; state guidelines.** (1) ORS 343.407 and 343.409 apply to the identification of and provision of special educational programs and services for children described in ORS 343.395 (4)(a) and (b) and rules adopted by the State Board of Education.

(2) School districts may identify and provide special educational programs and services for children who demonstrate creative abilities, leadership abilities or unusual abilities in the visual or performing arts as described in ORS 343.395 (4)(c), (d) and (e) and rules adopted by the board.

(3) The board shall adopt state guidelines for the identification and provision of special educational programs and services described in subsection (2) of this section. [1991 c.951 §2; 2011 c.440 §5]

**343.413 Short title.** ORS 343.407 to 343.413 shall be known as the Oregon Talented and Gifted Education Act. [1987 c.337 §2]

**Note:** Sections 1 and 2, chapter 551, Oregon Laws 2011, provide:

**Sec. 1. Task Force on the Instruction of Talented and Gifted Children.** (1) The Task Force on the Instruction of Talented and Gifted Children is established.

(2) The members of the task force shall be appointed by the Superintendent of Public Instruction.

(3) The task force shall determine:

(a) The resources that are needed to provide instruction to talented and gifted children;

(b) The appropriate level of funding for

instruction of talented and gifted children, including potential methods for providing funding; and

(c) The number of children who would benefit from instruction of talented and gifted children.

(4) A majority of the voting members of the task force constitutes a quorum for the transaction of business.

(5) Official action by the task force requires the approval of a majority of the voting members of the task force.

(6) The task force shall elect one of its members to serve as chairperson.

(7) If there is a vacancy for any cause, the superintendent shall make an appointment to become immediately effective.

(8) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the voting members of the task force.

(9) The task force may adopt rules necessary for the operation of the task force.

(10) The task force shall submit a report, and may include recommendations for legislation, to the interim legislative committees on education on or before October 1, 2012.

(11) The Department of Education shall provide staff support to the task force.

(12) Members of the task force are not entitled to compensation or reimbursement for expenses and serve as volunteers of the task force.

(13) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the task force consider necessary to perform their duties. [2011 c.551 §1]

**Sec. 2.** Section 1 of this 2011 Act is repealed on the date of the convening of the

2013 regular session of the Legislative Assembly as specified in ORS 171.010 [February 4, 2013]. [2011 c.551 §2]